

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David J. Lloyd
Nichole M. Lloyd
Debtor(s)

Bankruptcy Case No.: 18-24162-CMB
Issued Per Jan. 7, 2019 Proceeding
Chapter: 13
Docket No.: 24 - 18
Concil. Conf.: February 28, 2019 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated November 13, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 28, 2019 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 1; Clearview Federal Credit Union at Claim No. 2; Pacific Union Financial, LLC at Claim No. 6 .
- ☒ H. Additional Terms: The debtor shall appropriately pursue the claim dispute as to Claim No. 5 of Clearview Federal Credit Union.
The secured claim of Clearview Federal Credit Union at Claim No. 5 shall govern as to claim amount, to be paid at the modified plan terms, assuming a 506 action is unsuccessful.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: January 11, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 David J. Lloyd
 Nichole M. Lloyd
 Debtors

Case No. 18-24162-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 25

Date Rcvd: Jan 11, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 13, 2019.

db/jdb
 14937336 +David J. Lloyd, Nichole M. Lloyd, 38 Field and Stream Road, Marianna, PA 15345-1071
 14937340 Angott Surgical Associates, 88 Wellness Way, Washington, PA 15301-9720
 ++COLLECTION SERVICE CENTER INC, 363 VANADIUM ROAD, STE 109, PITTSBURGH PA 15243-1477
 (address filed with court: Collection Service Center, Inc., 250 Mount Lebanon Boulevard,
 P.O. Box 14931, Pittsburgh, PA 15234-0931)
 14937338 Children's Hospital of PGH/Express Care, P.O. Box 382059,
 Attn: Patient Accounting Department, Pittsburgh, PA 15250-8059
 14937342 Greater Washington Radiologist, P.O. Box 951847, Cleveland, OH 44193-0020
 14937343 IC System, Inc., 444 Highway 96 East, P.O. Box 64378, Saint Paul, MN 55164-0378
 14937345 +KML Law Group, Suite 5000 BNY Mellon Independence Ctr., 701 Market Street,
 Philadelphia, PA 19106-1538
 14937348 +Pathology Associates of Washington, PA, 155 Wilson Avenue, Washington, PA 15301-3336
 14937349 Target National Bank, c/o Target Card Services, P.O. Box 1581, Minneapolis, MN 55440-1581
 14963473 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 14972603 +Varius Holdings, LLC, PO BOX 1931, Burlingame, CA 94011-1931
 14937352 +WHS Cardiovascular Care, P.O. Box 855, Washington, PA 15301-0855
 14966556 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
 14937351 Wells Fargo Card Services, P.O. Box 522, Des Moines, IA 50306-0522

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14937337 +E-mail/PDF: resurgentbknotifications@resurgent.com Jan 12 2019 02:32:25 CACH, LLC,
 4340 South Monaco Street--2nd Floor, Denver, CO 80237-3485
 14963123 E-mail/PDF: resurgentbknotifications@resurgent.com Jan 12 2019 02:33:04 CACH, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14937339 E-mail/Text: bankruptcy@clearviewfcu.org Jan 12 2019 02:17:32
 Clearview Federal Credit Union, 8805 University Boulevard, Moon Township, PA 15108-2580
 14937341 +E-mail/Text: ccusa@ccuhome.com Jan 12 2019 02:16:58 Credit Collections, USA,
 16 Distributor Drive--Suite 1, Morgantown, WV 26501-0121
 14937344 E-mail/Text: cio.bncmail@irs.gov Jan 12 2019 02:17:05 Internal Revenue Service,
 P.O. Box 7346, Philadelphia, PA 19101-7346
 14937346 E-mail/PDF: cbp@onemainfinancial.com Jan 12 2019 02:19:27 One Main Financial,
 P.O. Box 3251, Evansville, IN 47731-3251
 14937347 +E-mail/Text: bankruptcy@loanpacific.com Jan 12 2019 02:18:10 Pacific Union Financial,
 1603 LBJ Freeway--Suite 500, Farmers Branch, TX 75234-6071
 14973020 +E-mail/Text: bncmail@w-legal.com Jan 12 2019 02:17:42 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14968367 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Jan 12 2019 02:32:27 Verizon,
 by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 14937350 +E-mail/Text: wfmelectronicbankruptcy@verizonwireless.com Jan 12 2019 02:16:54
 Verizon Wireless Bankruptcy Admin., 500 Technology Drive--Suite 500,
 Weldon Springs, MO 63304-2225
 14937353 E-mail/Text: bankruptcydept@wyn.com Jan 12 2019 02:17:52 Wyndham Vacation Resorts, Inc.,
 P.O. Box 97474, Las Vegas, NV 89195-0414

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Pacific Union Financial, LLC
 14960689* +Pacific Union Financial, LLC, 1603 LBJ Freeway Suite 500, Farmers Branch, TX 75234-6071
 TOTALS: 1, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 13, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 25

Date Rcvd: Jan 11, 2019

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 11, 2019 at the address(es) listed below:

Daniel R. White on behalf of Joint Debtor Nichole M. Lloyd dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
Daniel R. White on behalf of Debtor David J. Lloyd dwhite@zeblaw.com,
gianna@zeblaw.com;dwhite.zmw@gmail.com;r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor Pacific Union Financial, LLC bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5